IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 323 of 2007(L)

PETITIONER:

MOHAMMED ALI, AGED 27 YEARS,
PHOENIX BAY, PORT BLARE, ANTAMAN AND
NICOBAR ISLAND, PRESENTLY AT TC 38/1556, ERA-21,
PAZHAVANGADI, THIRUVANANTHAPURAM.

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, HOME DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MUTTADA, PATTOM, THIRUVANANTHAPURAM.

BY DGPP SRI.P.V.THAMPI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN,JJ.

W.P.(C)No.323 OF 2007

Dated 11th January, 2007

JUDGMENT

Koshy,J.

This is a petition alleging police harassment. Petitioner is an accused in a crime involved in the murder of an Engineering student. Since investigation was delayed, he was granted bail, but, investigation is continuing. Even though it is stated in the bail order that petitioner shall not leave the station, investigating officer can take him outside for the purpose of investigation in the case. The condition in the bail order is only voluntary movement of the petitioner out of Thiruvananthapuram. Order of the Magistrate that permission is not required for Narco-analysis or granting of bail will not stand in the way of conducting investigation. It has been repeatedly held by the Supreme Court that High Court shall not interfere in the process of investigation as it is the bounden duty of the police or investigating team. However, if there is any illegality in the investigation, it is for the parties to approach the jurisdictional Magistrate and get appropriate orders.

Without prejudice to the above right, this writ petition is disposed of.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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